

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): D.D. CHAMBLISS et al.      Examiner: William J. Goodchild  
Serial No. 10/663,559      Group Art Unit 2109  
Filed September 15, 2003      Docket No. SJ0920030006US1  
TITLE METHOD, SYSTEM, AND PROGRAM FOR MANAGING  
INPUT/OUTPUT (I/O) PERFORMANCE BETWEEN HOST SYSTEMS  
AND STORAGE VOLUMES

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**CERTIFICATE UNDER 37 CFR 1.8:**

I hereby certify that this correspondence is being transmitted through the USPTO EFS-Web system over the Internet to William J. Goodchild of the U.S. Patent and Trademark Office on August 10, 2007.

/David Victor/  
David W. Victor

**AMENDMENT**

This amendment is submitted in response to a non-final first office action in the above case dated April 10, 2007 in which the Examiner objected to the Specification, Drawings, and claims, and rejected all the claims as directed to non-statutory subject matter (35 U.S.C. §101) and anticipated (35 U.S.C. §102) and obvious (35 U.S.C. §103) over cited art. A phone interview was held on July 24<sup>th</sup> during which the patentability of claim amendments were discussed. The Examiner said that submitting the proposed claim amendments would overcome the Section 101 and prior art rejections. Applicants amended the Specification, Drawings, and claims to overcome the objections and amended the independent claims as discussed during the phone interview. Applicants canceled claims 6 and 19 and submit that all pending claims 1-5, 7-18, and 20-39 are patentable over the cited art and in condition for allowance for the reasons discussed herein.

Amendments to the Specification begin on page 2.

Amendments to the Claims are reflected in the listing of claims which begins on page 6.

Amendments to the drawings begin on page 19 of this paper and include an attached replacement sheet.

Remarks/Arguments begin on page 20.